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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,208	11/09/2001	Dale Lee Yones	DN1999118USA	4506
7590 Howard M Cohn Ronald Yaist Dept 823 The Goodyear Tire & Rubber Company 1144 East Market Street Akron, OH 44309-3531			EXAMINER NGUYEN, TU X	
			ART UNIT 2618	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/018,208	YONES, DALE LEE	
	Examiner	Art Unit	
	Tu X. Nguyen	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 November 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 23-32 and 37-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 37-42 is/are allowed.
- 6) ☒ Claim(s) 23-30 and 32 is/are rejected.
- 7) ☒ Claim(s) 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Amendment*

Applicant's arguments with respect to claim 25 have been considered but are moot in view of the previous ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 23-30 and 32, are rejected under 35 U.S.C. 102(b) as being anticipated by Katzenstein (US Patent 5,245,332).

Regarding claims 25 and 27, Katzenstein discloses an RF transponder comprising an antenna system characterized by:

a programmable load (see abstract) connected to the antenna system for transmission modulation (see col.12 lines 1-2); and

a power supply and level shifters connected to the programmable load, wherein voltage changes in the power supply dynamically vary a magnitude of the programmable load according to power available in the transponder (see col.13 lines 20-61).

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Regarding claims 23 and 28, Katzenstein discloses a plurality of first output stage transistors (see 72, 76, 78 fig.4) connected to a first terminal (see 81, fig.4) of the antenna system;

a corresponding plurality of second output stage transistors (see 72, 76, 78, fig.4) connected to a second terminal (see 83, fig.4) of the antenna system; and

control logic for determining which ones of the first output stage transistors and which ones of the second output stage transistors are used to modulate the antenna system (see col.8 lines 45-59).

Regarding claims 24 and 29, Katzenstein discloses an EEPROM storing programmed settings for driving the control logic (see col.13 lines 15-16).

Regarding claims 26 and 32, Katzenstein discloses a gate for disconnecting modulation of the antenna system in response to a reset signal (see col.10 lines 64).

Regarding claim 30, Katzenstein discloses control logic connected for modulating the dynamically variable load, wherein the control logic has a control signal input formed in a gate by logically combining a system clock signal and a data stream (see col.8 lines 32-45).

### ***Allowable Subject Matter***

Claims 37-42 are allowed.

Claims 31, objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

Regarding dependent claim 31, the prior arts fail to teach "a sync delay circuit for delaying the system clock signal in order to synchronize the system clock signal with the data stream", as cited in the claim.

Regarding independent claim 37, the prior arts fail to teach "the phase-shift control signal uses a system clock signal having half the frequency of the RF signal received by the antenna system; and the data stream is a signal clocked at a fraction of the frequency of the RF signal received by the antenna system", as cited in the claim.

Regarding dependent claim 39, the prior arts fail to teach "optimizing RF signal modulation performance by utilizing a modulation index having a magnitude which is adjusted according to programmed trim settings stored in the transponder", as cited in the claim.

Regarding dependent claim 41, the prior arts fail to teach "a modulation index having a magnitude which is adjusted dynamically in proportion to a power of the RF signal received by the antenna system", as cited in the claim.

Regarding dependent claim 42, the prior arts fail to teach "a modulation index having a magnitude which is adjusted dynamically in proportion to a power of the RF signal received by the antenna system", as cited in the claim.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is 571-272-7883.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



January 11, 2007